

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN RE CIVIL INVESTIGATIVE DEMAND
No. DNM 20-08

No. 21mc24 WJ/SCY

**ORDER ADOPTING PROPOSED FINDINGS
AND RECOMMENDATION**

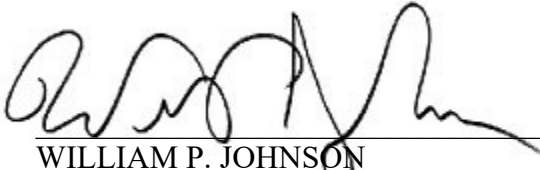
THIS MATTER is before the Court on United States Magistrate Judge Steven C. Yarbrough's November 9, 2021 Proposed Findings And Recommended Disposition ("PFRD"). Doc. 20. Judge Yarbrough recommended that the Court (1) order a partial production from Four Winds, and (2) hold the remaining discovery requests in abeyance subject to the United States' right to file a motion for full enforcement after it has evaluated Four Winds' partial production. *Id.* at 1. Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* at 13. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendation.

IT IS THEREFORE ORDERED THAT:

1. The Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition, Doc. 20.
2. Four Winds' Petition To Set Aside Civil Investigati[ve] Demand (Doc. 1) is DENIED IN PART and TAKEN UNDER ADVISEMENT IN PART.
3. The United States' Motion To Dismiss (Doc. 3) is DENIED WITHOUT PREJUDICE to refiling.
4. The United States' Counterclaim For Enforcement Of CID (Doc. 4) is GRANTED IN PART and TAKEN UNDER ADVISEMENT IN PART.

5. Four Winds shall produce documents responsive to the requests in the United States' June 3, 2021 letter (Doc. 3-5) within 90 days of the date of the Court's order. The parties may agree to reasonable extensions of time, but they must file a notice with the Court advising of those extensions of time. Alternatively, if the parties cannot agree on extensions of time, Four Winds may file an opposed motion with the Court that explains why it cannot meet the Court's deadline and that proposes an alternative deadline.
6. After this limited production is complete, the United States shall evaluate whether the remaining requests in the November 13, 2020 CID (Doc. 3-2) can be narrowed. To the extent the United States determines any of the remaining requests are relevant and necessary, it shall file a motion with the Court specifically tailored to enforcement of those requests within 90 days of the date of the limited production (again, subject to reasonable requests for extensions of time, with notices and/or opposed motions filed with the Court). Responses and replies to the motion will be due according to the Court's Local Rules.
7. If at any point the parties reach an agreement and deem this lawsuit moot, they shall immediately so advise the Court.

IT IS SO ORDERED.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE